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## LAW OFFICES OF PAUL BONI, P.C.

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pboni@bonilaw.com

www.bonilaw.com

CONSTITUTION PLACE, SUITE 1109  
325 CHESTNUT STREET  
PHILADELPHIA, PA 19106  
TEL: (215) 989-0034  
FAX: (215) 989-0035

May 19, 2016

Via Certified Mail to all recipients

City of Ventnor City  
6201 Atlantic Avenue  
Ventnor, NJ 08406

Margate City  
9001 Winchester Avenue  
Margate, NJ 08402

Atlantic County of New Jersey  
Executive Offices  
1333 Atlantic Ave.  
Atlantic City, NJ 08401

Atlantic County Utilities Authority  
Haneman Environmental Park  
6700 Delilah Road  
Egg Harbor Township, NJ 08234

Re: Illegal discharges of pollutants  
Ventnor Gardens Plaza Stormwater Pumping Station

Dear Ventnor City, Margate City, Atlantic County and Atlantic County Utilities Authority:

On behalf of my client, Hershel J. Richman, of 6717 Monmouth Avenue, Ventnor, NJ 08406, this is a formal notification of your conduct violating the federal Clean Water Act.

The stormwater discharges from the Ventnor Gardens Plaza Stormwater Pumping Station located in the City of Ventnor (the "Pumping Station") are picking up soil, sediment, debris and other material from the ditch below the outfall and discharging those materials into the cove of the bay. Such conduct causes unpermitted discharges of pollutants into navigable waters and therefore violates Section 301 of the federal Clean Water Act, 33 U.S.C.A. § 1311. We note that we do not object to the stormwater effluent itself.

When the Pumping Station was reconstructed last year, after being unused since the 1960's, it was positioned to discharge into an area where soil, sediment, debris and other materials have built up over the past 50 years. Mr. Richman complained to the New Jersey Department of Environmental Protection that this situation would result in unpermitted discharges of pollutants into the cove. No changes were made and now, with the pump station operational, uncontrolled discharges of pollutants are occurring on an ongoing basis.

Attached as Exhibit "A" is a photograph taken by Mr. Richman on June 12, 2015, viewing the area from the North and showing where material has accumulated in the ditch between the stormwater outfall and the cove. This photograph was taken prior to the time that

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Atlantic County of New Jersey  
Atlantic County Utilities Authority  
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the pump became operational. Attached as Exhibits "B" and "C" are photograph taken by Mr. Richman on May 16, 2016, viewing the area from the South, and showing the ditch being carved out by the pump station's discharge, and showing debris in the middle of the ditch.

The unpermitted discharge enters and harms the cove of the bay directly behind Mr. Richman's home. He and his family enjoy the bay by engaging in various activities, including swimming, boating and observing and appreciating the fish and wildlife. All of these activities are being harmed by the illegal discharges.

This letter is formal notification of our intent to file suit pursuant to the citizen suit provisions of Section 505 of the Clean Water Act, 33 U.S.C.A § 1365, if this matter is not resolved within sixty (60) days. We demand that you immediately remediate the harm to the environment and cease all illegal discharges of pollutants. If the violations do not cease, we will seek injunctive relief, civil penalties and reasonable costs, attorneys and any expert fees, and any other relief deemed just and appropriate by the Court pursuant to 33 U.S.C. 1365. If you would like to discuss a possible resolution of this matter, you may contact me to do so.

The party giving notice is Hershel J. Richman, 6717 Monmouth Avenue, Ventnor, NJ 08406, (215) 779-1320. Any and all contact with Mr. Richman should be directed to his attorney, the undersigned, as follows: Paul Boni, Esquire, Law Offices of Paul Boni, P.C., 325 Chestnut Street, Suite 1109, Philadelphia, PA 19106, (215) 989-0034.

Very truly yours,



Paul Boni

Encl.

cc: See attached service list, via certified mail, w/ encl.  
Hershel J. Richman, w/encl













Exhibit C



*Certified Mail mailing list for Notice of Intent to Sue Letter, May 19, 2016  
(Ventnor Gardens Plaza Stormwater Pumping Station)*

*Certified Mail No. 7006-2760-0004-9671-1239*

City of Ventnor City  
6201 Atlantic Avenue  
Ventnor, NJ 08406

*Certified Mail No. 7006-2760-0004-9671-1246*

Margate City  
9001 Winchester Avenue  
Margate, NJ 08402

*Certified Mail No. 7006-2760-0004-9671-1352*

Atlantic County of New Jersey  
Executive Offices  
1333 Atlantic Ave.  
Atlantic City, NJ 08401

*Certified Mail No. 7006-2760-0004-9671-1369*

Atlantic County Utilities Authority  
Haneman Environmental Park  
6700 Delilah Road  
Egg Harbor Township, NJ 08234

*Certified Mail No. 7006-2760-0004-9671-1642*

Ms. Gina McCarthy, Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

*Certified Mail No. 7006-2760-0004-9671-1666*

Ms. Judith A. Enck  
Regional Administrator  
U.S. Environmental Protection Agency, Region 2  
Environmental Protection Agency  
290 Broadway  
New York, NY 10007-1866

*Certified Mail No.: 7006-2760-0004-9671-1659*

Ms. Loretta Lynch  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

*Certified Mail No. 7006-2760-0004-9671-1376*

Lieutenant General Todd T. Semonite, Commanding General and Chief of Engineers  
Headquarters  
U.S. Army Corps of Engineers  
441 G Street NW  
Washington, DC 20314-1000

*Certified Mail No. 7006-2760-0004-9671-1383*

U.S. Army Corps of Engineers  
Regulatory Branch, Philadelphia District  
100 Penn Square East  
Wanamaker Building  
Philadelphia, PA 19107

*Certified Mail No. 7006-2760-0004-9671-1673*

Governor Chris Christie  
State of New Jersey  
Office of the Governor  
PO Box 001  
Trenton, NJ 08625

*Certified Mail No. 7006-2760-0004-9671-1390*

Bob Martin, Commissioner  
State of New Jersey  
Department of Environmental Protection  
P.O. Box 420  
Trenton, NJ 08625-0420

*Certified Mail No. 7006-2760-0004-9671-1086*

Robert Lougy, Acting Attorney General  
State of New Jersey  
Attorney General's Office, Dept. of Law and Public Safety  
PO Box 080  
Trenton, NJ 08625-0080